

Remarks

This amendment responds to the official action mailed December 12, 2006 and is accompanied by a petition for one month extension under 37 C.F.R. §1.136(a) and the required official fee.

Claims 1, 5 and 6 remain under consideration following a requirement of restriction and applicant's provisional election of Species 3 (Fig. 6) and claims 1, 5 and 6. The remaining claims have been withdrawn from consideration as nonelected.

An objection was made to the form of the claims as lacking an article before "Shower arrangement," which has been corrected as required.

Claims 1, 5 and 6 were rejected as indefinite under 35 U.S.C. §112, second paragraph on the ground that the term "which" appearing at claim 1, lines 1 and 3 (lines 2 and 6 as the claim is shown above) was considered to lack a clear reference to the preceding structure. Also, "at least one shower" in claims 5 and 6 was considered a double inclusion where "at least one shower" was recited in claim 1.

Claims 1, 5 and 6 have been amended to more particularly and distinctly define the subject matter of the invention.

The recitals of the term "which" in claim 1 are conventional usage wherein "which" following a comma refers to the next preceding noun before the comma. Such usage was grammatically correct, and consistent with the disclosure in the specification. Nevertheless, two occurrences of "which" have been removed in claim 1. A remaining occurrence is clarified by the additional recital of the structural noun to which reference is made.

Claim 1 plainly refers to a flow connection made through the hollow rod from a connection to the wall water supply at one end of the hollow rod to a shower coupling at the end opposite from the connection to the water supply. Claims 5 and 6 each depend from claim 1 and properly recite - - a - - shower or - - at least one - - shower.

Claims 1, 5 and 6 are definite. In anticipation of allowance of a generic claim, applicant has also taken this opportunity to amend the claims that were withdrawn from consideration, to render the withdrawn claims definite as well.

Claims 1, 5 and 6 were rejected as anticipated by Fan (US 5,749,552). Reconsideration is requested. The Fan patent fails to disclose or suggest a wall bar that can be fixed to a water supply connection at the wall so that the water supply is connected for water flow through the wall bar to a shower hose fitting for a hand shower. Fan discloses a mechanical attachment for a wall bar that serves only as a physical mounting for a sliding bracket 22 or 52 on which a hand shower head can be rested. There is no disclosure or suggestion in Fan of a water flow connection that involves the wall rod in any way whatsoever.

Applicant's claim 1 particularly and distinctly claims a shower arrangement comprising a hollow wall bar, a water carrying wall connection at which connection one end of the hollow wall bar is connectable to a wall water supply, and, at least one shower coupling at an other end of the hollow wall bar, such that the shower coupling is supplied with water through the hollow wall bar. The shower coupling attaches to the shower hose in claim 5, thus supplying the hand shower through the wall bar. Claim 6 defines an adjustable shower supplied with water through the wall bar.

Claim 1 is not met by Fan, which fails to disclose the claimed invention as a whole. The rejection of claims 1, 5 and 6 over Fan under Section 102 is without basis. Furthermore, Fan does not suggest any structure or function by which a person of ordinary skill might routinely modify Fan to meet applicant's claims.

Fan discloses separate embodiments with respect to Figs. 1 and 4. However in both embodiments, there is no fluid connection between the water pipe 46 in the wall and the wall bar 56. There is a threaded connection in Fig. 1 and a shear pin connection in Fig. 4, but these involve closed bores. The wall bar 56' is shown as hollow in Fig. 4, but throughout Fan is termed a "post" and not a tube or pipe or conduit or other flow structure. Nowhere is there any opening between the flow path for the fixed shower head through fitting 47 or 70, to a flow path in a hollow tube wall bar leading to a shower fitting.

The knob at the lower end of Fan's post 56 likewise has nothing to do with a shower or a flow path. The lower end of the device is a vacuum mechanism comprising a suction cup. See col. 3, lines 5-34. The idea in Fan is simply the mechanical

mounting of a wall bar in a manner that does not require drilling holes in the wall as shown in Fig. 5. Fan does not disclose or suggest applicant's invention as claimed.

In the official action, it is stated that Fan discloses a shower arrangement with a wall bar (Fig. 1), which can be fixed to a water carrying wall connection and is connectable to the water supply and also with at least one shower, which is supplied with water through the wall bar (see col. 2, line 44+).

The examiner may be interpreting the original claim language such that "which" is considered to reference the shower arrangement (in particular, the fitting 47 or 70 that feeds the fixed shower head in Fan) as opposed to the wall bar and/or the shower. Neither the wall bar nor the hand shower is connectable to the wall connection through the shower arrangement disclosed in Fan.

Claim 1 has been amended to preclude such an interpretation of the grammar of claim 1. Fan does not disclose or suggest the invention claimed. Reconsideration and allowance of claims 1, 5 and 6 are requested. Applicant also requests rejoinder and allowance of the nonelected claims that were withdrawn from consideration and remain pending.

Additional prior art references were cited but not relied upon. These references also fail to disclose or suggest the invention defined by applicant's claims 1, 5 and 6 as amended.

In Warshawsky (US 6,438,767) an adjustable height shower head comprises a sliding structure fitting between an inner pipe, coupled to the water supply and having radial holes. An outer pipe is connected to the shower head and sealed at its ends to the inner pipe, providing a range of linear and rotational motion over which lateral flow from the inner pipe feeds the shower head. Applicant's claim 1 as amended, however, defines a shower coupling at the end of the wall bar opposite from an end that attaches to the water supply. Claim 5 further defines that the coupling is for a shower hose. These aspects are not disclosed or suggested by Warshawsky.

In Buhrman (US 5,833,192), it can be seen from Figs. 1 and 6 that the shower hose H is connected to the fixed shower pipe at F. There is no flow connection between the water supply and the wall bar either disclosed or suggested by Buhrman. As in Fan, Buhrman mechanically hangs a wall bar for supporting a sliding bracket on the pipe

connection running from the wall to a fixed shower head. Buhrman does not disclose or suggest a wall bar that carries water. It would not be possible even to modify Barman's wall bar to carry water. As shown throughout Barman's drawings and as described, the rod in Buhrman that supports the sliding bracket is slotted and could not be used to carry water as claimed.

Chen (US 5,632,049) likewise does not teach or suggest the invention. In Chen, the bar extending between end posts 42, 44 is hollow, but that fact is irrelevant to Chen's structure and function. There is no suggestion of how or why to use the wall bar of a shower connection as the conduit that carries water from a wall shower connection at one end to a shower hose coupling at the other end.

The claims have been amended to resolve formal matters and to preclude an interpretation that does not require limitations that are now particularly and distinctly claimed. The claims are not met by the disclosures of the prior art of record. The differences between the invention and the prior art are such that the subject matter claimed, as a whole, is not shown to have been obvious.

Therefore, applicant requests allowance of claims 1, 5 and 6, together with rejoinder and allowance of nonelected claims 2-4 and 7-21.

Respectfully submitted,

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